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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,217	03/29/2004	Kevin Christopher Tisue		3036
7590	12/16/2004		EXAMINER	
Kevin Tisue 2232 E. Vimont Ave. Salt Lake City, UT 84109			VU, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/812,217	TISUE, KEVIN CHRISTOPHER	
Examiner	Art Unit		
Stephen A Vu	3636		

*... The MAILING DATE of this communication appears on the cover sheet with the correspondence address ...*

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 September 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/29/04.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

**DETAILED ACTION**

***Election/Restrictions***

Claims 1-20 appear to be generic to all the embodiments in the application. Therefore, the examiner has decided to withdraw the election requirement of September 2, 2004.

***Claim Rejections - 35 USC § 112***

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1,5, and 13, the phrase "truss-like" renders the claims indefinite because the claims include elements not actually disclosed (those encompassed by "truss-like"), thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d) for reference.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lloyd (#6,698,831).

Lloyd shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by McFarland (#5,489,139).

McFarland shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Herting (#5,547,155).

Herting shows a seat clamping assembly comprising a quill link, a clamp link, and a support link for providing support between the quill link means and the clamp link means. Each of the links has means for attachment to each other in a triangular truss configuration having three pivot axes.

With claims 2,6, and 14, an angular position adjustment means is provided for adjusting angular position of the seat.

With claims 3-4,11, and 20, a horizontal position adjustment means is provided for adjusting horizontal position of the seat.

With claim 7, the angular position adjustment means alters distance between at least two of the three pivot axes.

With claims 8 and 15, the angular adjustment means comprises the quill link.

With claim 9, the angular position adjustment means comprises the claim link.

With claims 10 and 19, the angular position adjustment means comprises the support link.

With claim 16, a pivot adjustment collar means is provided for adjusting the angular position of the seat.

With claim 18, the clamp link means as a means for providing adjustment of the angular position of the seat by clamping at least one seat rail in different locations.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chen, Maret, Hals, Beach et al, Liao, and Haynes are cited as showing similar types of seat clamping assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu  
December 13, 2004